

Attorney Docket No.: 01CON251P
Application Serial No.: 09/418,397

REMARKS

In the *non-final* Office Action, dated February 24, 2005, the Examiner has rejected claims 1-81. After the present response, claims 1-81 are pending in the application. Reconsideration and allowance of pending claims in view of the following remarks are respectfully requested.

A. Rejection of Claims 1-10 and 17-81 under 35 USC § 103(a)

The Examiner has rejected claims 1-10 and 17-81, under 35 USC § 103(a), as being unpatentable over Arnaud et al. (USPN 6,650,662) (hereinafter "Arnaud") in view of Yousseff (USPN 6,400,709) ("Yousseff").

In rejecting claim 1, the Examiner acknowledges that Arnaud fails to disclose, teach or suggest "while no potential DTMF signals have been detected, promptly transmitting a digital packet after sufficient time has elapsed for a potential DTMF signal to be detected in said digital packet; and if a potential DTMF signal is detected, storing the digital packets and stalling transmission of stored digital packets until DTMF detection can be performed, and if the potential DTMF signal does not result in a DTMF detection, promptly transmitting the stored digital packets, and if the potential DTMF signal does result in a DTMF detection, discarding the stored digital packets and transmitting a control packet containing information relating to characteristics of a DTMF signal that was detected." However, the Examiner relies on a new reference, namely, Yousseff, to remedy Arnaud's shortcomings.

Applicant respectfully disagrees with the Examiner that a combination of Yousseff and Arnaud renders claim 1 of the present application obvious. Notwithstanding, however, as

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discussed below, applicant respectfully submits that Yousseff is not a prior reference for pending claims of the present application.

Applicant hereby swears behind the December 2, 1998 filing date of Yousseff, under 37 C.F.R. § 1.131. Under 37 C.F.R. § 1.131, the inventor of the claimed invention may submit an appropriate declaration to overcome a reference. The showing of facts shall be such as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to the effective date of the reference to a subsequent reduction to practice or to the filing of the application. See 37 C.F.R. § 1.131. Applicant respectfully submits that claims 1-10 and 17-81 are allowable over Yousseff based on the following remarks.

Pursuant to 37 C.F.R. § 1.131, attached are declarations from inventors Michael Whitfield, Michael Simpson and Remy Gauguey and a copy of an Innovation Disclosure, having Docket No. 99RSS023, which is shown to have been entered into Rockwell International's Innovation Disclosure Database on October 21, 1998, which predates the filing date of Yousseff, i.e. December 2, 1998.

Applicant respectfully submits that the Innovation Disclosure, entitled "Use of Early DTMF Indication to Suppress DTMF From RTP Voice Packets" evidences that the inventors were in possession of the presently claimed subject matter on October 21, 1998, as further evidenced by attached declarations from each inventor.

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Accordingly, claim 1 and its dependent claims 2-10 are patentably distinguishable over Arnaud and should be allowed. Further, independent claims 17, 19, 22, 30, 38, 47, 56, 65, 70 and 76 have limitations similar to those of claim 1, as described above, and should be allowed at least for the same reasons stated above. Claims 18, 20-21, 23-29, 31-37, 39-46, 48-55, 57-64, 66-69 and 71-81 are dependent claims, and should be allowed at least for the same reasons that their respective independent claim is allowable.

B. Rejection of Claims 11-16 under 35 USC § 103(a)

The Examiner has rejected claims 11-16, under 35 USC § 103(a), as being unpatentable over Arnaud in view of Yousseff, and further in view of Schulzrinne (ietf-avt-dtmf-01.txt) (hereinafter "Schulzrinne"). Applicant respectfully disagrees.

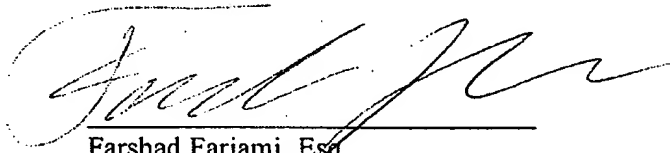
Applicant respectfully submits that claims 11-16 depend from claim 1 and should be allowed at least for the same reasons stated above in conjunction with patentability of claim 1.

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C. Conclusion

For all the foregoing reasons, an early allowance of claims 1-81 pending in the present application is respectfully requested. The Examiner is invited to contact the undersigned for any questions.

Respectfully Submitted;
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